

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN RE: CIRCUIT CITY STORES, INC., *et al.*,
Debtors.

Case No. 08-35653
Chapter 11
Jointly Administered

ORDER

In accordance with the Memorandum Opinion entered this date, the Court having determined that the Uniform Commercial Code definition of “goods” as “all things (including specially manufactured goods) which are movable at the time of identification to the contract for sale,” should be applied as the federal definition of the term “goods” for the purposes of interpreting § 503(b)(9) of the Bankruptcy Code; and the Court having concluded that in hybrid contracts calling for the delivery of both goods and services, the predominant purpose test, as described in the Memorandum Opinion, should be used to determine whether a claim is for the selling of “goods” and correctly classified as an administrative claim under § 503(b)(9) of the Bankruptcy Code;

IT IS ORDERED that the Debtors’ motion for partial summary judgment is GRANTED.

ENTERED: _____

/s/ Kevin R. Huennekens
UNITED STATES BANKRUPTCY JUDGE